IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH,
AT HYDERABAD

Present:
HON'BLE MR. JUSTICE S.ANANDA REDDY

Wednesday, the 5th day of July, 2006

W.P.No. 29443 of 1997

Between:

M. Bhaskar Rao, S/o. Gopaiah,
Aged 50 years, Occu: Security Guard,
APSRTC Jangareddy Gudem Depot
West Godavari district.

...Petitioner

and

The Director, Vigilance & Security,
Administrative Office, APSRTC,
Musheerabad, Hyderabad & others.

... Respondents

The Court delivered the following -

O R D E R:

This writ petition is filed by the petitioner, aggrieved by the action of the respondents in not promoting him as Security Head Guard, as according to him, he is the senior to the 3rd respondent herein.

2. It is stated in the affidavit that the petitioner was appointed as Security Guard on 20.4.1967 and since then he has been working as such. It is stated that in 1993, one S.R. Krishna Rao

was promoted as Security Head Guard, Vijayawada by proceedings dated 15.7.1993. Therefore, the petitioner made a representation even before issuing the said order. According to the petitioner, no orders were passed or communicated to the petitioner with reference to the said representation. Further, it is stated that recently i.e., in 1997, a vacancy of Security Head Guard arose in Narsapuram Depot, West Godavari district, due to the retirement of one Sri K.S. Singh. Therefore, he made another representation on 31.7.1997 to consider his case for promotion in the said vacancy. Since no orders are passed on the said representation, the petitioner has come up with the present Writ Petition.

3. A counter affidavit is filed by the respondents disputing and denying the allegations made by the petitioner, as early as in June 1998. In the counter it is stated that when certain posts of Security Head Guard arose in other districts, other than West Godavari, options were called for, and the petitioner declined to give his consent for being considered for posting in other districts; while one Mr. Krishna Rao as well as Subba Raju, the 3rd respondent herein have given their willingness to go to any other districts on promotion. Therefore, their cases were considered and they were promoted and posted in other districts. Similarly, in 1997, the Selection Committee has again considered the promotion cases, including the case of the

petitioner, but the Committee found, on perusal of the records, that the petitioner was undergoing punishment of 'censure', and with reference to another case of misconduct, he was placed even under suspension pending enquiry relating to an alleged theft. Therefore, the petitioner's case, though considered, was rejected for being promoted to the post of Security Head Guard.

4. In the light of the said counter allegations, the learned Standing Counsel for the respondents contended that the petitioner cannot have any grievance.

5. Heard both the learned counsel and considered the material on record.

6. Though the learned counsel for the petitioner disputes the counter allegations, but, however, since no reply has been filed disputing or denying the allegations made, the question of even verifying the above facts also does not arise at this stage. The petitioner's case was considered at the relevant point of time, when a vacancy had arisen in West Godavari district. With reference to the vacancies in other district, since, the petitioner has not given his consent, his case could not be considered. In fact, it was stated in the counter that no representation was received from the petitioner in the year 1993. Therefore, the question of passing any orders on the representation of the

petitioner doe not arise. Apart from that, the petitioner might be aged about 59 years by now. It is not known whether he is in service or retired from service. Therefore, it is not possible to consider the case of the petitioner at this point of time by the authorities concerned.

7. Under the above circumstances, the Writ Petition is devoid of merit, and the same is accordingly dismissed. No costs.

Dt. 05…07...2006

S.Ananda Reddy,J.

Kvh

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ORDER

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